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**In the United States District Court  
For the Southern District of New York**



Andre-Jamel:Davis, Sui Juris, In Propria Persona  
Complainant,  
v.

Civil Action No. 23-cv-00885  
(JPC) (VF)

Sgt HORTON et, al.  
Defendants

**2nd AMENDED  
COMPLAINT  
JURY TRIAL  
DEMANDED**

**BASIS FOR JURISDICTION**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. §1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. §1332 in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

**Jurisdiction and Venue**

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331, as this action arises under the U.S. Constitution and federal statutes.
2. Venue is proper in this Court under 28 U.S.C. §1391(b)(2),(e)(1) as the events giving rise to this action occurred in this District.

What is the basis for federal court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

Which of your federal constitutional or federal statutory rights have been violated?

Amendment V of the Constitution for the United States of America:

Amendment XIV of the Constitution for the United States of America:

Amendment IV of the Constitution for the United States of America:

PARTIES

**Complainants' Information**

Andre-Jamel:Davis Sui Juris, In Propria Persona  
c/o 5951 Riverdale Avenue #454  
Bronx, New York County, City State  
917-364-7313 Telephone Number  
[10471] Zip code  
kldajdnvgz@gmail.com Email Address

**Defendants Information**

Defendant 1: Sergeant HORTON,  
Shield No. 4023,  
3450 Kingsbridge Avenue,  
Bronx, NY 10463.,

Defendant 2: P.O. GONZALEZ,  
Shield No. 17878,  
3450 Kingsbridge Avenue,  
Bronx, NY 10463.,

Defendant 3: P.O. CALLE JEAN,  
Shield No. 9283,  
3450 Kingsbridge Avenue,  
Bronx, NY 10463.,

Defendant 4: P.O. SEDITA,  
Shield No. 2923,  
3450 Kingsbridge Avenue,  
Bronx, NY 10463.,

**FACTUAL BACKGROUND:  
TIMELINE KEY POINTS**

**January 31, 2023 - APPROXIMATELY 2:27 PM**

**Event:** An NYPD jeep driven by P.O. SEDITA (2923) accompanied by the Defendants initiated a traffic stop of the claimant by making a U turn on Van Cortlandt Ave W and pulling behind the claimant with their siren lights on. Defendant SEDITA informed claimant the stop was because the defendants were “intrigued” by my license plates. The defendants being sworn officers of the NYPD should’ve been aware that if there are license plates not associated with the *Motor Vehicle Theft Prevention Program* 34 U.S.C. 12611, then the automobile must be operating under 28 CFR 29.10. With all program decals removed, traffic stops especially that of a routine stop because of being intrigued does provide the defendants probate cause to effectuate a routine traffic stop. However 28 CFR 29.10 makes it incumbent upon the defendants *to not* stop automobiles absent program decals, unless the automobile was used in the commission of a crime, or reasonable articulable suspicion a crime had been committed, was being committed or about to be committed.

**Actions:**

- 1). Claimant was issued citations for violations of New York Motor Vehicle Code.

**Shortly after the initial stop**

**Event:** Defendant Sgt HORTON & P.O. SEDITA claimed the automobile’s license plates were the purpose for the stop. Citing no crimes, or traffic violations.

**Actions:**

- 1). Under threat of arrest, coercion and duress, claimants’ vehicle, a black 2022 Toyota 4Runner, was illegally seized, despite claimants protests, absent a contract and the defendants did not have a warrant ordering the seizure of my private property .
- 2). P.O. GONZALEZ opened the passenger door allowing Sgt HORTON to follow through with the vehicles illegal seizure. Violating claimants IV Amendment, which guarantees no seizure of private property absent a warrant.
- 3). Claimant was informed by P.O. GONZALEZ that the automobile was towed by 5 J’s.
- 4.) 5 J’s manager informed the Claimant that 5 J’s did not tow the automobile from the address of the initial stop. The manager is willing to testify to where the truck was factually towed from, which he states was on the street. The manager will also testify to the fact that no flatbed tow truck was used to tow my automobile. 5 J’s manager will also testify to the fact that no damages were done by 5 J’s and the automobile was picked up damaged. Claimant witnessed the automobile being towed away on a flatbed tow truck. The traffic stop was initiated on the north bound entrance ramp to the Major Deegan expressway, on Van Cortlandt W and Bailey Avenue, not the street like the defendants informed the claimant.

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Daniel Davis

### Seizure and Towing of the vehicle

- **Event:** The vehicle is towed despite claimants protest and warnings of potential illegality of seizure.
- **Actions:**
  - 1). P.O. CALLE JEAN, was in possession of the claimants U.S. Passport and other documents and refused to return them unless claimant exited the automobile. Flashing them at the claimant like defendant JEAN was fishing for the claimant to exit the automobile.
  - 2). The vehicle is taken without a warrant, court order, legal justification, or just compensation, under threat of arrest, coercion and duress.

### Immediately Following the Seizure

- **Event:** The automobile while in the possession of the Defendants was damaged. The front hood, and bumper was damaged, in a clearly retaliatory fashion for the claimant's insistence of the preservation of claimants Constitutional protections. "The Claim and exercise of a Constitutional Right cannot be converted into a crime". **Miller v. U.S., 230 F2d 486, 489.**
- **Actions:**
  - 1). Plaintiff requested to be read miranda rights, which was refused.
  - 2). P.O. SEDITA refuses to de-escalate the situation, claimant provided a U.S. Passport card and travel documents, including proof of a cancelled drivers license and vehicle registration. Proof of owner's withdrawal from the program, pursuant to 28 CFR § 29.10.

### Attempts To Retrieve The Vehicle

- **Event:** Claimant witnessed the damages to the automobile as soon as the automobile was presented at 5 J's' tow yard.
- **Actions:**
  - 1). After paying the tow lot fees for retrieval, Claimant takes photos of the damages.
  - 2). Claimant files a Federal civil suit to seek remedy in a court of competent jurisdiction.

## Civil Action Initiated

- **Event:** After numerous exhaustive attempts to serve the Defendants, service was finally confirmed and the Defendants defaulted by refusing to answer to the complaint and summons in the time allotted by the Court [21 days] .

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Andre Jones

• **Actions:**

- 1). After being served with the lawsuit, Defendants' default and the City Law Department writes the Court as an "interested party".
- 2). As a result, the court dismisses Claimants' default argument.

**VIOLATIONS:**

**State Law Violations:**

**Unlawful vehicle seizure:**

**Violation of New York Constitution: Article I § 7(a)**

- 1). See New York Consolidated Laws, Penal Law-PEN § 155.05, U.S. Code Title 18 §241 Conspiracy Against Rights. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them Miranda v. Arizona, 384 U.S. 436, 4911.
- 2). New York Consolidated Laws, Penal Law-PEN §155.05, U.S. Code Title 18 § 242 Deprivation of Rights Under Color Of Law. "The state cannot diminish rights of the people." Hurtado v. People of the State of California, 110 U.S. 5161.
- 3). Slavery, (Forced compliance to contracts not held) U.S. Code Title 18 § 3571 "All laws, rules, and practices which are repugnant to the Constitution are null and void." Marbury v. Madison, 5th US (2 Cranch) 137, 174, 176. (1803). "A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution." Hurtado v. California, 110 U.S. 105, at 1131. Furthermore, "If the State converts a liberty into a privilege the citizen can engage in the right with impunity" Shuttlesworth v. Birmingham. 373 us 2621. In order for the BOROUGH OF LEONIA d/b/a LEONIA POLICE DEPARTMENT D&B # 116914685 IRS EIN # 226002027 to do any business with the plaintiff it would have to be by contract, which does not exist, due to the BOROUGH OF LEONIA being a for-profit corporation.

**Illegal Search - Constitution for the State of New York:**

- 5). **New York State Constitution:** The search and seizure of the automobile without consent or a warrant violated New York State Constitution Article 1, § 12, "The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized."

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## **Federal Constitutional Violations:**

### **Fourth Amendment Violations:**

- 1). **Illegal Search and Seizure:** The Fourth Amendment protects against unreasonable searches and seizures. The warrantless search of vehicle's glove compartment and the seizure of the vehicle without a warrant or probable cause constitute a violation of these protections.
- 2). **U.S.C Title 18 chapter 109 - Search and Seizure - § 2236 Searches without warrants:** Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, searches any private dwelling used and occupied as such dwelling without a warrant directing such search, or maliciously and without reasonable cause searches any other building or property without a search warrant, shall be fined under this title for a first offense; and, for a subsequent offense, shall be fined under this title or imprisoned not more than one year, or both.
- 3). **Civil Rights Violation [42 U.S.C § 1983]:**  
**Excessive Force and Coercion:** The threats and coercion used, cause the plaintiff duress. The police officers violated plaintiffs civil rights under color of law, violating the above mentioned.
- 4). **Conspiracy to interfere with civil rights [42 U.S.C. 1985]:**  
**(3) Depriving persons of rights or privileges:** If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.
- 5). **42 U.S. Code § 12203 - Prohibition Against Retaliation and Coercion:**  
**(a) Retaliation:** No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.  
**(b) Interference, Coercion, or Intimidation:** It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual



in the exercise or enjoyment of, any right granted or protected by this chapter.  
Due Process Violations: Fourteenth and Fifth Amendments:

**(c) Remedies and Procedures:** The remedies and procedures available under sections 12117, 12133, and 12188 of this title shall be available to aggrieved persons for violations of subsections (a) and (b), with respect to subchapter I, subchapter II and subchapter III, respectively

1). **Lack of Due Process in Seizure:**

- a. **Fourteenth Amendment Violation:** Seizing vehicle without providing a proper notice, hearing, or a valid legal basis is a violation of due process rights under the Fourteenth Amendment. “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; *nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*” Due process requires that any deprivation of rights of property be proceeded by notice and opportunity to be heard.
- b. **Fifth Amendment Violations Denial of Miranda Rights:** The denial of Miranda rights read to plaintiff at time time of stop, because the stop was a custodial arrest and plaintiff was not free to leave and was being “detained” by the Defendants, the Defendants was obligated to inform the plaintiff of his rights when dealing with law enforcement.
- c. **Plaintiff had the right:** To remain silent [Amendment V], and secure in his papers and things [Amendment XIV]. Fifth Amendment No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### Procedural Due Process Violations:

**1). Lack of Due Process in Seizure:**

- a. “Due process generally requires that a party receive notice and an opportunity to be heard before they may be deprived of life, liberty, or property.” Defendants’ actions displayed bad faith, unclean hands and retaliation, against the Claimant for exercising his Constitutionally protected unalienable rights. “There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights” **Sherar v. Cullen**, 481 F. 2d 946 (1973). “The Claim and exercise of a Constitutional Right cannot be converted into a crime” **Miller v. U.S.**, 230 F2d 486, 489,

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### **Unlawful Traffic Stop and Detention:**

#### **1). Cause of Action:**

- **Violation of the Fourth Amendment:** The Fourth Amendment of the U.S. Constitution protects against unreasonable searches and seizures. Defendants did not have reasonable suspicion or probable cause to initiate the traffic stop, violating the Claimants Fourth Amendment rights.

#### **Remedies:**

- **Suppression of Evidence:** Any alleged evidence obtained as a result of the unlawful stop are fruits of a poisonous tree and should be suppressed.
- **Monetary Damages:** Claimants' entitled to compensatory damages for the harm suffered during the unlawful detention, harassment, and illegal seizure in the sum certain 1,755,500\$.
- **Injunctive Relief:** A court order preventing similar future conduct by the officers involved towards the Claimant, because the defendants showed they have no problem violating guaranteed Constitutionally protected rights, to which they all took oaths uphold.

### **Illegal Search of Vehicle:**

#### **Cause of Action:**

- 1). • **Violation of the Fourth Amendment:** The search of claimants vehicle's vehicle without consent, a warrant, or probable cause is a violation of plaintiffs Fourth Amendment right. Fourth Amendment The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- 2). • **State of New York Constitution:** The search of the vehicles glove compartment without consent or a warrant violated the New Jersey State Constitution Article 1, section 12, "The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized."

#### **Remedies:**

- **Suppression of Evidence:** Any alleged evidence that may have been obtained during the illegal search from any proceedings.

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- **Monetary Damages:** Properly compensated for damages suffered for the violation of all of Claimants' un-a-lien-able Constitutionally protected rights under color of law in the sum certain 1,755,500\$.
- **Punitive Damages:** Plaintiff seeks the awarding of punitive damages for the egregious conducts performed by the defendants to deter future misconduct.

#### **Illegal Seizure of Vehicle:**

##### **Cause of Action:**

- **Violation of the Fourth Amendment:** The seizure of claimants vehicle without a warrant, court order, or legal justification constituted an unreasonable seizure under the Fourth Amendment.
- **Conversion:** The unauthorized taking of claimants' vehicle may be considered conversion, a tort that involves the wrongful exercise of dominion over someone else's property.

##### **Remedies:**

- **Return of Property:** Claimant demands compensation for damages Caused and for pain and suffering in treble damages of the cost of the automobile at the least.
- **Compensatory Damages:** Claimant is entitled to damages for the loss or use of claimants vehicle, including any costs incurred as a result of the illegal seizure. such as travel expenses, gas, tolls, recovery, miscellaneous, etc.
- **Punitive Damages:** Punitive damages are sought because the conduct of the defendants were particularly egregious, malicious and subsequently retaliatory. Breach of contract allots the claimant standing as well, as the defendants were imposters in office when they violated their oaths.

#### **Violation of Due Process Rights:**

##### **Cause of Action:**

- **Fourteenth Amendment Violation:** The Fourteenth Amendment guarantees due process before depriving an individual of life, liberty, or property. The seizure of the claimants vehicle without providing notice, a hearing, or a valid legal basis, violated claimants due process rights. No clear path for retrieval was offered by the defendants.
- **Failure to Provide Miranda Warnings:** The refusal to read claimant Miranda rights upon detention, any statements made during this time may not be used against claimant because of the violation of claimants Fifth Amendment rights. Body cam video will prove this assertion.

##### **Remedies:**

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11/22/2024  
USA

- **Declaratory Relief:** Claimant demands a court declaration that claimants due process rights and Constitutional rights were violated.
- **Monetary Damages:** Compensation for harm suffered due to the due process violation.
- **Injunctive Relief:** A court order to prevent similar violations from occurring in the future. Noticing the NYPD that the Claimant has in fact opted out of the program 34 U.S.C § 12611, by removing all program decals, informing the agency, returning all decals to the all agencies in purview and replacing my license plates as prescribed to us and defined in: 28 CFR § 29.10 - *Owner withdrawal from the program.*

#### **Civil Rights Violations (42 U.S.C. § 1983)**

##### **Cause of Action:**

- **Unlawful Search and Seizure:** A claim under 42 U.S.C. § 1983 could be brought for the violation of claimants constitutional rights by state actors (police officers).
- **Excessive Force and Coercion:** The defendants used threats, coercion, and force in a manner that violated claimants civil rights, this is also the basis for the § 1983 claim.

##### **Remedies:**

- **Monetary Damages:** Compensatory and punitive damages for the violation of claimants civil rights.
- **Injunctive Relief:** A court order to prevent future violations of claimants' civil rights by the defendants.

#### **Conspiracy to Interfere With Civil Rights (U.S.C. § 1985)**

##### **Cause of action:**

- **Conspiracy:** If two or more persons in any State or Territory conspire for the purpose of depriving, either directly or indirectly, any person's rights the party so injured or deprived may have an action for recovery of damages against any one or more of the conspirators. This United States Code is cited because of the illegal seizure of the Toyota by the defendants.

##### **Remedies:**

- **Monetary Damages:** Compensation for any/all harm suffered due to the conspiracy.
- **Punitive Damages:** Potentially available because the conduct was particularly malicious and egregious.
- **Declaratory and Injunctive Relief:** Court order to address the violation and prevent future occurrences.

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**Bill of Rights Violations The First 10 Amendments To The Constitution As Ratified By The States:**

**Cause of Action:**

- **Amendment IV:** “The right of the people to be secured in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”
- **Amendment V:** “.....nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”
- **Amendment VII:** “In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.”
- **Amendment IX:** “The enumeration in the Constitution, of certain rights, shall not be construed to deny others retained by the people.”
- **Amendment X:** “The powers delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states respectively, or to the people.”

**Remedies:**

- **The compensation for:** the damages done to the vehicle, a 2022 black Toyota 4Runner SR5 TRD in treble damages at the least, for the violation of claimant for exercising his Constitutionally protected rights. “There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights” **Sherar v. Cullen, 481 F. 2d 946 (1973)**. “The Claim and exercise of a Constitutional Right cannot be converted into a crime” **Miller v. U.S., 230 F2d 486, 489**, “Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.” **Miranda v. Arizona, 384 U.S. 436, 491**. “The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are “not the law”, **Self v. Rhay, 61 Wn (2d) 261**. “The right to be let alone is the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by government upon the privacy of the individual, whatsoever the means employed, must be deemed a violation of the Fourth Amendment.” **Olmstead v. U.S., 277 U.S. 438, 478 (1928)**. “All laws, rules, and practices which are repugnant to the Constitution are null and void.” [**Marbury v. Madison, 5th US (2 Cranch) 137, 174, 176, (1803)**].
- **The right to preserve claimants right to a trial by jury:** Unless the court sees fit to rule in favor of claimant amended complaint.

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- **Monetary Damages:** Compensation for the illegal seizure of the vehicle, or the full valuable consideration to settle the security interest plaintiff has in the commodity, evidenced in the UCC 1 financing statement.

#### Relief Sought:

- **For the damages alleged:** The claimant filed in the initial complaint dated 02/02/2023, Docket ¶ 1. The complainant sought the sum certain of \$1,755,500.00, was due to the breaches of authority committed under color of law by the Defendants. One of the offenses are, but not limited to "Slavery" - Wex Definition Team Last updated in May of 2022, "Slavery is the practice of forced labor and restricted liberty." Forced compliance to contracts not held. All claims are Constitutional violations of both the New York State Constitution and the Constitution for the United States of America.. "If the state converts a liberty into a privilege the citizen can engage in the right with impunity" **Shuttlesworth v. Birmingham, 373 US 262**. "The Claim and exercise of a Constitutional Right cannot be converted into a crime" **Miller v. U.S., 230 F2d 486, 489**.

#### 2. Misconduct in Civil Proceedings:

- a. **Bad faith and unclean hands:** After the claimant filed a civil lawsuit, the the defendants defaulted by acquiescence and failed to honor the summons and complaint in the time allotted them to respond to the Court [21 days], pursuant to Federal Rules of Civil Procedure 12(A)(i). The defendants' coworkers has harassed the claimant subsequent to the filing of the civil suit, in what seemed retaliatory. The 50th percent, when the Claimant attempted to file a complaint, dealt in obfuscation which made it impossible for the complainant to ascertain if the complaint was logged.

#### Additional Considerations:

- **Unlawful Detention:** The basis for the stop was effectuated illegally, defendants failed to have reasonable articulable suspicion that a crime had been Committed, was being committed, or about to be committed which is incumbent upon them to effectuate the traffic stop. No summons was issued for any actual traffic infractions. Any/all alleged infractions are fruits of a poisonous tree. The New York State Constitution is very clear when it states in: Article I §12 "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."
- **Presentation of UCC 1 Financing Statement:** The presentation of the UCC 1 Financing Statement provided proof of claimant being the primary lien holder, and having a security interest, which was unlawfully ignored

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by the defendants.

- **Misprision of Treason - USC Title 18 § 2382:** “Whoever having knowledge of treason, conceals and does not make known the same to some judge is guilty of treason for contempt against the sovereign and shall be fined under this title or imprisoned not more than seven years, or both.”
- **Action for Neglect To Prevent - USC Title 42 § 1986:** “Every person who, having knowledge that any of the wrongs conspired to be done or about to be committed, and having power to prevent or aid in the preventing the commission of the same, neglects or refuses so to do, if such wrongful act to be committed, shall be liable to the party injured.”
- **CRS 42-1-102(6)(a):** Privately owned vehicles, [automobile in trust], as designated by the state motor vehicle licensing agency necessary to the preservation of life an property. 42-3-103. Registration required - exemptions. (III) Any vehicle whose owner is permitted to operate it under provisions of this article concerning lien holders, (see copy of UCC 1 financing statement enclosed) manufacturers, dealers, nonresidents, and fleet owners.

**Remedies:**

- **Compensatory Damages:** Recovery of tow lot fees, benefits in equity, and any/all legal fees, filing fees, the claimed sum certain of 1,755,500\$.

**Maxims of Law:** *Maxims are the condensed good sense of nations.*

— Sir J. Mackintosh.

*Law is a rule of right.* — A Maxim of Law

**Subject Matter Index:**

- **Law of Nature: 74a.** When laws imposed by the state fail, we must act by the law of nature. 2 *Rolle*, 298; *Bouv.* 136.
- **Law of Nature: 74b.** The Law respects the bonds of nature. *Wing. Max.* p. 268, max. 78; *Finch, Law*, b. 1, c. 3, no. 29.
- **Law of Nature: 74c.** The Laws of nature are unchangeable. *Cycl. Dict.* 566; *Branch, Princ.*
- **Law of Nature: 74d.** The Laws of nature are most perfect and immutable; but in the condition of human laws there is nothing which can continue perpetually. 7 *Coke*, 25.
- **Law of Nature: 74f.** *Jus naturale*, or natural law, has its foundation in the will of God. 1 *Bl. Comm.* 39; 1 *Kent, Comm.* 2, note; *Id.* 4 note.

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- **Law of Nature: 74g.** Nature takes little heed. *Vandenheuvel v. United Ins. Co.*, 2 Johns. Can. (N.Y.) 127, 166.
- **Law of Nature: 74h.** The force of nature is greatest. 2 *Inst.* 564.
- **Law of Nature: 74j.** Things which are forbidden by the nature of things are confirmed by no law. Branch, *Princ.* Positive laws are framed after the laws of nature and reason. Finch, *Law.* 74.
- **Law of Nature: 74k.** Crimes against nature are the most heinous. 3*Inst.* 20.
- **Law of Nature: 74l.** That which natural reason has established among all men, is called the law of nations. *Dig.* 1, 1, 9; *Inst.* 1, 2, 1; 1 *Bl. Comm.* 43.
- **Law of Nature: 74m.** The law regards the order of nature. *Co. Litt.* 197*b*.
- **Law of Nature: 74n.** Nature covets perfection; so does law also. *Hob.* 144.
- **Legal Action & Proceedings: 75n.** The action *in personam* is that by which we sue him who is under obligation to us to do something or give something. *Dig.* 44, 25; *Bract.* 101*b*.
- **Legal Action & Proceedings: 75q.** In every where two distresses concur, that is, *in rem* and *in personam*, that is to be chosen which is most dreaded, and which binds most firmly. *Bract.* For. 372; *fleta*, 1.6, c. 14, s 28.
- **Legal Action & Proceedings: 75s.** Every man is liable to be sued wrongfully or without cause. *Dow v. Johnson*, 10 Otto (100 U.S.) 158, 193.
- **Legal Action & Proceedings: 75u.** A matter, the validity of which is at issue in legal proceedings, cannot be set up as a bar [impediment] thereto. *Bac. Max.* reg. 2.
- **Legal Action & Proceedings: 75y.** The end of litigation is justice. *U. P. Ry. v. Botsford*, 141 US 258.
- **Legal Rights: 77c.** He who uses his legal rights harms no one. *Carson v. Western R. Co.*, 8 Gray (Mass.) 424; *Broom, Max.* 379.
- **Legal Rights: 77d.** Everyone may renounce or relinquish a right introduced for his own benefit. 2 *Inst.* 183; *Wing. Max.* p. 483, max. 123; 4 *Bl. Comm.* 317; *The People v. Van Rensselaer*, 9 N.Y. 291, 333.
- **Legal Rights: 77f.** No freeman shall be deprived of life, liberty or property but by the lawful judgement of his peers, or by the law of the land—that is by the common law. C.L.M.
- **Legal Rights: 77g.** Right cannot die. *Jenk. Cent.* 100, case 95.
- **Legal Rights: 77h.** A right cannot arise from a wrong. 4 *Bingh.* 639; *Bouv*

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- **Legal Rights: 77p.** Any one may waive or renounce the benefit of a principle or rule of law that exists only for his protection. *Black's* 304.
- **Legal Rights: 77r.** He who has the right to elect to do a thing has also the to refuse it. C.L.M.
- **Malice, Evil, Bad: 78a.** Evil deeds ought not to remain unpunished, and impunity affords continual incitement to the delinquent. 4 *Coke*, 45.
- **Malice, Evil, Bad: 78b.** Malice is sour, it is the quality of a bad mind. 2 *Bulst.* 49.
- **Malice, Evil, Bad: 78f.** Good laws arise from evil manners, *i.e.*, are necessitated by the evil behavior of men. 2 *Inst.* 161.
- **Malice, Evil, Bad: 78g.** That part is bad which accords not with its whole. *Plowd.* 161.
- **Malice, Evil, Bad: 78h.** An evil custom is to be abolished. *Co. Litt.* 141.
- **Malice, Evil, Bad: 78i.** When anything by itself is not evil, and yet may be an example for evil, it is not to be done. 2 *Inst.* 564.
- **Malice, Evil, Bad: 78k.** The malicious plans of men must e avoided. 4 *Coke*, 15.
- **Malice, Evil, Bad: 78l.** Evi has not an efficient, but a deficient cause. 3 *Inst.* Proeme.
- **Malice, Evil, Bad: 78m.** Evil deeds are distinguished from evil purposes. *Jenk. Cent.* 290.

#### Definitions:

- **Driver - 19 USC § 4571(6):** “The term “driver” means a person that drives a commercial motor vehicle in cross-border long-haul trucking services.”
- **Driver - 49 CFR § 390.5T:**  
“Driver means any person who operates any commercial motor vehicles.”
- **Commercial Motor Vehicle - 49 CFR § 390.5T:**  
Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle- (1)(2)(3)(4).
- **Motor Vehicle - 18 USC § 31(a)(6)** “The term “motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.
- **License - Wex Definitons Team:** “Generally, a “license” is permission granted by a qualified authority permitting a licensee to do something that would

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otherwise be prohibited. "License" may also refer to a physical document granting such permission, sometimes referred to as a permit.

- \* Permissions granted by a license are limited by the licensor's power to confer such permissions. For example, in *Gibbons v. Ogden* the Supreme Court ruled that a license granted by New York state giving Ogden exclusive use of a water route was void because New York lacked the power to regulate interstate commerce.\*
- **Driver's license - 49 U.S. Code § 31301(6) - Definitions: (6)** "driver's license" means a license issued by a State to an individual authorizing the individual to operate a motor vehicle on highways.
- **Operate - 15 USC § 7108(6):** "the term "operate" means being actively involved in the day-to-day management of a business;"
- **Registration - 34 U.S. Code §12611 - Motor Vehicle Theft Prevention Program (b)(1), (c)(1)(2), (f):** "As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program."
- **Probable Cause - Wex Definitions Team:** "Probable cause refers to a reasonable basis for believing that a crime may have been committed (for an arrest) or that evidence of a crime is present in the place to be searched (for a search)." "Probable cause is a Fourth Amendment requirement that usually must be met before the police make an arrest, conduct a search, or receive a warrant. The Fourth Amendment also requires that any arrest be based on probable cause, even when the arrest is made pursuant to an arrest warrant.
- **Constructive Contract:** "A constructive contract is where duty defines it instead of the contract defining the duty to be performed. Constructive contracts are fictions of law adopted to enforce the legal duties by actions of Contract where no proper contract exists, express or Implied." *Graham v. Cummings*, 57 Atl. 943, 208 Pa. 616 (citing *Hertzog v. Hertzog*, 29 Pa. [5 Casey] 465).
- **Convey:** To transfer or deliver to another, to cause to pass from place or person to another; transmit.
- **Conveyance:** Merriam Webster Ninth Collegiate, b. an instrument by which title to property is conveyed.
- **Transportation:** The removal of goods or persons from one place to another, by carrier. Under Interstate Commerce Act, (49 USC sec. 1 et seq), "transportation" includes the entire body of services rendered by carrier in connection with the receipt, handling, and delivery of property transported, and includes the furnishing of cars.
- **Transportation:** Black's 6th - The movement of goods or persons from one place to another, by a carrier.

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- **Travel:** Century Dictionary - To journey or to pass through or over; as a country district, road etc. To go from one place to another, whether on foot, or horseback, or in any conveyance as a train, an automobile, carriage, ship, or aircraft; Make a journey.
- **Traveler:** Bouvier's Law Dictionary, 1914 ed. - One who passes from place to place, whether for pleasure, instruction, business, or health. **Locket v. State, 47 Ala. 45;**

### CLAIMANT'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a non frivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so intended, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint, Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

I have read the Pro Se {Non-prisoner} Consent to Receive Documents Electronically

Yes [ ☒ ] No [ ☐ ]

Andre Jamel Davis  
First Name, Middle Name, Last Name

Respectfully submitted,

By: /s/ Andre Jamel Davis  
Andre-Jamel:Davis, power of attorney-in-fact  
CAF # 0361-1267R61  
FinCEN # XXXXXXXXXXXX2487  
Without recourse, without prejudice.

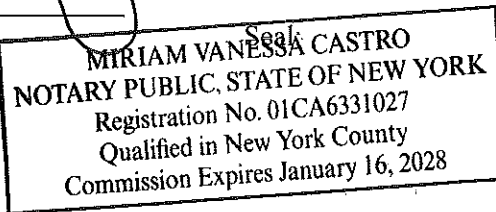
County of Bronx

State of New York

[Proof of Service] Dated: 11/20/2024

My commission expires: 01-16-2028

Notary signature: [Signature]



Andre Jamel Davis  
11/22/24